



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 7, 1998

Ms. Janet M. Dill
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
Municipal Building
Dallas, Texas 75201

OR98-2385

Dear Ms. Dill:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 118966.

The Dallas Police Department (the "department") received a request for documents relating to criminal activity at the Mixx Club from April 15, 1997 through April 15, 1998. The documents responsive to this request include a department list of known or suspected gang members. You contend that this list is excepted from disclosure in its entirety under section 552.108 of the Government Code. You also contend that portions of the list are excepted from disclosure under section 552.101 of the Government Code in conjunction with the former section 51.14(d) of the Family Code.¹

Section 552.108, the "law enforcement exception," provides:

(a) [i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or

¹Because you have objected only to releasing the list of known or suspected gang members, we assume that you have released all other responsive information to the requestor. Of course, the information released to the requestor should include front page offense report information, which is generally considered public. See Gov't Code § 552.108(c); *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ *ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976).

prosecution of crime is excepted from [public disclosure] if: (1) release of the information would interfere with the detection, investigation or prosecution of crime; (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication; or (3) it is information that: (A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or (B) reflects the mental impressions or legal reasoning of an attorney representing the state.

(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from [public disclosure] if: (1) release of the internal record or notation would interfere with law enforcement or prosecution; (2) the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication; or (3) the internal record or notation: (A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or (B) reflects the mental impressions or legal reasoning of an attorney representing the state.

(c) This section does not except from [public disclosure] information that is basic information about an arrested person, an arrest, or a crime.

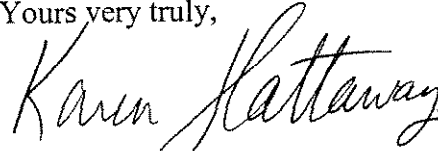
Gov't Code § 552.108. You explain how the department uses its list of gang members in criminal investigations. You also explain how publicly disclosing the list of gang members would interfere with the investigation, detection, and prosecution of crime. Based upon your arguments, we conclude that the department may withhold the list of known or suspected gang members from disclosure pursuant to section 552.108 of the Government Code.²

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous

²Because we are able to resolve this matter under section 552.108, we do not address your section 552.101 arguments at this time. *But see* Gov't Code § 552.352 (release of information deemed confidential by law constitutes misdemeanor offense).

determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, reading "Karen Hattaway".

Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 118966

Enclosures: Submitted documents

cc: Mr. Mark Dugan
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(w/o enclosures)